

MEMORANDUM

Agenda Item No. 8(N)(3)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing conveyance of an easement to Florida Power and Light Company for a nominal sum of \$1.00 to install, operate, and maintain electrical power facilities to service the electric bus charging stations within the Central Bus Maintenance Facility located at 3300 NW 32 Avenue, Miami, Florida; and authorizing the County Mayor to amend Exhibit A to the easement under certain circumstance, execute the easement conveyance, take all actions to effectuate same, and exercise all provisions contained therein

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: June 1, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Resolution Authorizing Conveyance of a Utility Easement to Florida Power and Light Company to Provide Electrical Service for the Electric Bus Charging Stations at the Central Bus Maintenance Facility

Executive Summary

The purpose of this item is to gain approval of the Miami-Dade Board of County Commissioners (Board) for the conveyance of an underground utility easement to Florida Power and Light Company (FPL) for a nominal \$1 sum to establish electrical power facilities to service electric bus fleet at the Central Bus Maintenance Facility.

Recommendation

It is recommended that the Board authorize the conveyance of a utility easement to FPL to provide for the installation, construction, operation, and maintenance of electrical facilities to service the new electric bus charging stations at the Central Bus Maintenance Facility overseen by Department of Transportation and Public Works (DTPW).

Scope

The proposed easement at the Central Bus Maintenance Facility is located at 3300 NW 32 Avenue Miami, Florida, which lies in District 2 represented by Commissioner Jean Monestime.

Delegated Authority

This item authorizes the County Mayor or the County Mayor’s designee to execute the easement conveyance and to exercise all provisions contained therein and to amend Exhibit A of the easement to revise the survey and legal description of the easement area to conform with the as-built location of the utility facilities so long as the utility facilities have been positioned within 25 feet of the originally proposed location and the total area is no larger than 25 percent of the originally proposed easement area.

Fiscal Impact/Funding Source

There is no fiscal impact to Miami-Dade County associated with the conveyance of this easement.

Track Record/Monitor

The person responsible for monitoring the proposed easement is Javier Bustamante, DTPW Chief of Right of Way, Utilities and Joint Development.

Background

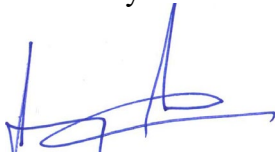
On October 3, 2019, the Board adopted Resolution No. R-1041-19 approving the award of Contract No. RFP-00456 to Proterra, Inc. The contract provides for Proterra to provide the County

Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners
Page No. 2

up to 75 40-foot electric buses and the installation of electric charging stations at the Central Bus Maintenance Facility. The award of this contract will allow DTPW to begin transitioning its bus fleet from traditional diesel fuel buses to electric buses. The installation of additional electric power service at this bus maintenance facility is necessary to operate the electric bus charging equipment and requires the conveyance of an easement to FPL to facilitate such installation.

Pursuant to Resolution No. R-504-15, adopted by the Board on June 2, 2015, the FPL lines serving the charging facilities shall be buried underground for aesthetic purposes with no or minimum above ground visibility.

FPL has advised that in the event of complete non-use of the underground utility easement for a period of two consecutive years, or if the County abandons the project and no longer uses the FPL facilities, the County can request that FPL initiate the process to release the easement and to remove the FPL facilities from the easement area at the expense of the County. In order to release the easement, FPL will need to deliver a duly executed release of the easement in recordable form to the County.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(3)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(N)(3)
6-1-22

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR A NOMINAL SUM OF \$1.00 TO INSTALL, OPERATE, AND MAINTAIN ELECTRICAL POWER FACILITIES TO SERVICE THE ELECTRIC BUS CHARGING STATIONS WITHIN THE CENTRAL BUS MAINTENANCE FACILITY LOCATED AT 3300 NW 32 AVENUE, MIAMI, FLORIDA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AMEND EXHIBIT A TO THE EASEMENT UNDER CERTAIN CIRCUMSTANCE, EXECUTE THE EASEMENT CONVEYANCE, TAKE ALL ACTIONS TO EFFECTUATE SAME, AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Incorporates and approves the foregoing recitals as if fully set forth herein.

Section 2. Approves the conveyance of an easement to Florida Power and Light Company ("FPL") for \$1.00 to install, operate, and maintain electrical power facilities to service the electric bus charging stations at the Central Bus Maintenance Facility located at 3300 NW 32 Avenue, Miami, Florida, as described in the attached FPL easement, in substantially the form attached hereto as Exhibit "A" (the "easement").

Section 3. Authorizes the County Mayor or County Mayor’s designee to execute the easements for and on behalf of Miami-Dade County, exercise all provisions contained therein, to take all actions to effectuate same, and to amend Exhibit A to revise the survey and legal description of the easement area to conform with the as-built location of the utility facilities so long as the utility facilities have been positioned within 25 feet of the originally proposed location and the total area is no larger than 25 percent of the originally proposed easement area.

Section 4. Directs the County Mayor or the County Mayor’s designee, pursuant to Resolution No. R-974-09, to record the easement, and any amendment thereto as referenced in section 2 above, in the public records of the County and provide a recorded copy to the Clerk of the Board within 30 days of execution of said instruments and directs the Clerk of the Board to permanently store the recorded copies with the resolution.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of June, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Annery Pulgar Alfonso

**UNDERGROUND EASEMENT
(BUSINESS)**

This Instrument Prepared By

Work Request No. 10709292

Name: Eduardo Reyes

Sec.28, Twp 53S, Rge.41E

Co. Name: HADONNE

Parcel I.D. 30-3128-031-0010

Address: 1985 NW 88th Ct

(Maintained by County Appraiser)

Doral, Fl. 33172

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

See Exhibit "A" ("Easement Area")

Together with the right to permit FPL to attach or place wires to or within any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for FPL's communications purposes in connection with electric service; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF the undersigned has signed and sealed this instrument on this ___ day of _____, 20___. This forging was authorized and approved by Resolution No. R-_____ of the Board of Miami-Dade County Commissioners on the _____ day of _____, 20__.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Grantor:

Name: _____

MIAMI-DADE COUNTY, a political subdivision of
the State of Florida

Name: _____

By: _____

Name:

Title:

ATTEST:

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

Harvey Ruvin, Clerk

By: _____

Name:

Title:

STATE OF FLORIDA)

) ss:

COUNTY OF MIAMI-DADE)

The foregoing Underground Utility Easement Agreement was acknowledged before me by means of physical presence or online notarization, this ___ day of _____, 20___, by _____, who is the _____ of **MIAMI-DADE COUNTY** and who is personally known to me.

Print Name: _____

Notary Public, State of Florida

My Commission Expires:

[NOTARIAL SEAL]

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for

Miami Dade County Transit Authority

prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (EASEMENT AREA)

Florida Power & Light Company Easement
Central Site

LEGAL DESCRIPTION EASEMENT No. 1:

A portion of Tract "B" of "TRANSIT AUTHORITY PROPERTY FIRST ADDITION", according to the Plat thereof, as recorded in Plat Book 120, at Page 39, of the Public Records of Miami-Dade County, Florida, also lying in Section 28, Township 53 South, Range 41 East and being more particularly described as follows:

Commence at the Most Northwest Corner of said Tract "B"; thence S00°02'56"W along the Most Westerly Boundary Line of said Tract "B" for 44.14 feet; thence N89°34'40"E for 12.00 feet to a point on the East Line of a certain 12' Utility Easement, as shown on said plat of "TRANSIT AUTHORITY PROPERTY FIRST ADDITION", said point also being the POINT OF BEGINNING of a Florida Power & Light Company Easement; thence continue N89°34'40"E for 399.11 feet; thence N02°08'39"W for 15.92 feet; thence S89°25'30"W for 7.01 feet; thence N00°34'30"W for 2.93 feet; thence S89°25'30"W for 24.67 feet; thence N00°34'30"W for 20.83 feet; thence N89°38'32"E for 63.83 feet; thence S00°34'30"E for 23.52 feet; thence S89°25'30"W for 6.60 feet; thence S01°53'41"E for 25.99 feet; thence S89°34'40"W for 454.43 feet; thence N00°02'56"E along the East Line of said 12 foot wide Utility Easement as shown on said plat "TRANSIT AUTHORITY PROPERTY FIRST ADDITION" for 10.00 feet to the Point of Beginning.

Containing an area of 6,386 Square Feet, more or less, by calculations.

LEGAL DESCRIPTION EASEMENT No. 2:

A portion of Tract "B" of "TRANSIT AUTHORITY PROPERTY FIRST ADDITION", according to the Plat thereof, as recorded in Plat Book 120, at Page 39, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Most Southwest Corner of said Tract "B"; thence N00°02'56"E along the Most Westerly Boundary Line of said Tract "B" for 5.00 feet; thence N89°34'40"E for 12.00 feet to a point on the East Line of a certain 12' Utility Easement, as shown on said plat of "TRANSIT AUTHORITY PROPERTY FIRST ADDITION", said point also being POINT OF BEGINNING of the centerline of a 10 Foot wide Florida Power & Light Company Easement, lying 5 feet on each side of the following described centerline (shortening or extending the side lines thereof, so as to create a continuous strip of land); thence continue N89°34'40"E for 384.65 feet to the Point of Termination of the aforementioned centerline.

Containing an area of 3,847 Square Feet, more or less, by calculations.

THIS IS NOT A SURVEY

Page 1 of 4

JOB: 20056

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
Miami Dade County Transit Authority
prepared by:

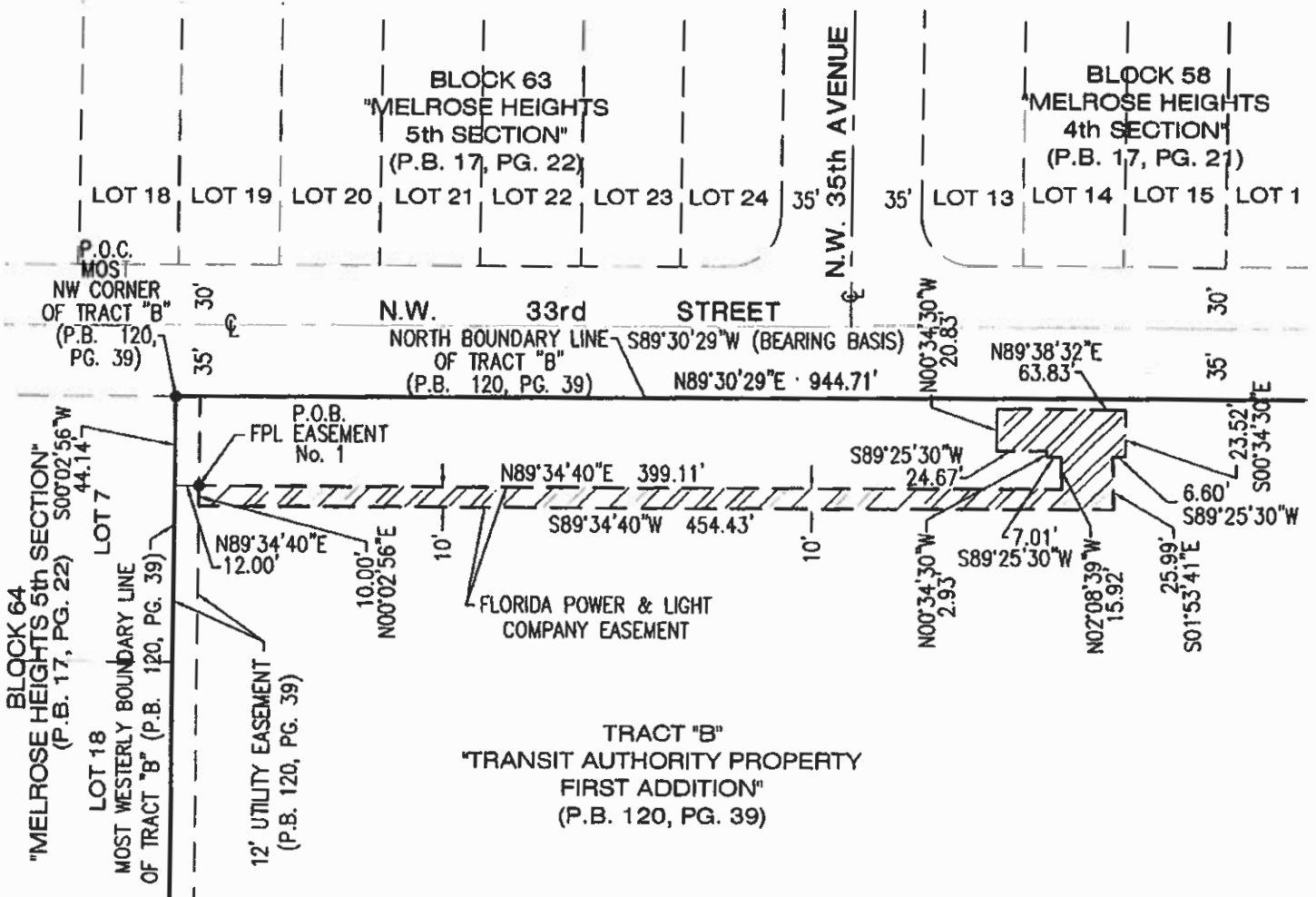
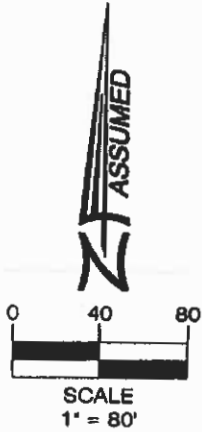


HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (EASEMENT AREA)

Florida Power & Light Company Easement
Central Site



LEGEND

- | | |
|------------------|-------------------------------------|
| P.B. = PLAT BOOK | FPL = FLORIDA POWER & LIGHT COMPANY |
| PG = PAGE | P.O.B. = POINT OF BEGINNING |
| SEC. = SECTION | P.O.C. = POINT OF COMMENCEMENT |

THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
Miami Dade County Transit Authority
prepared by:

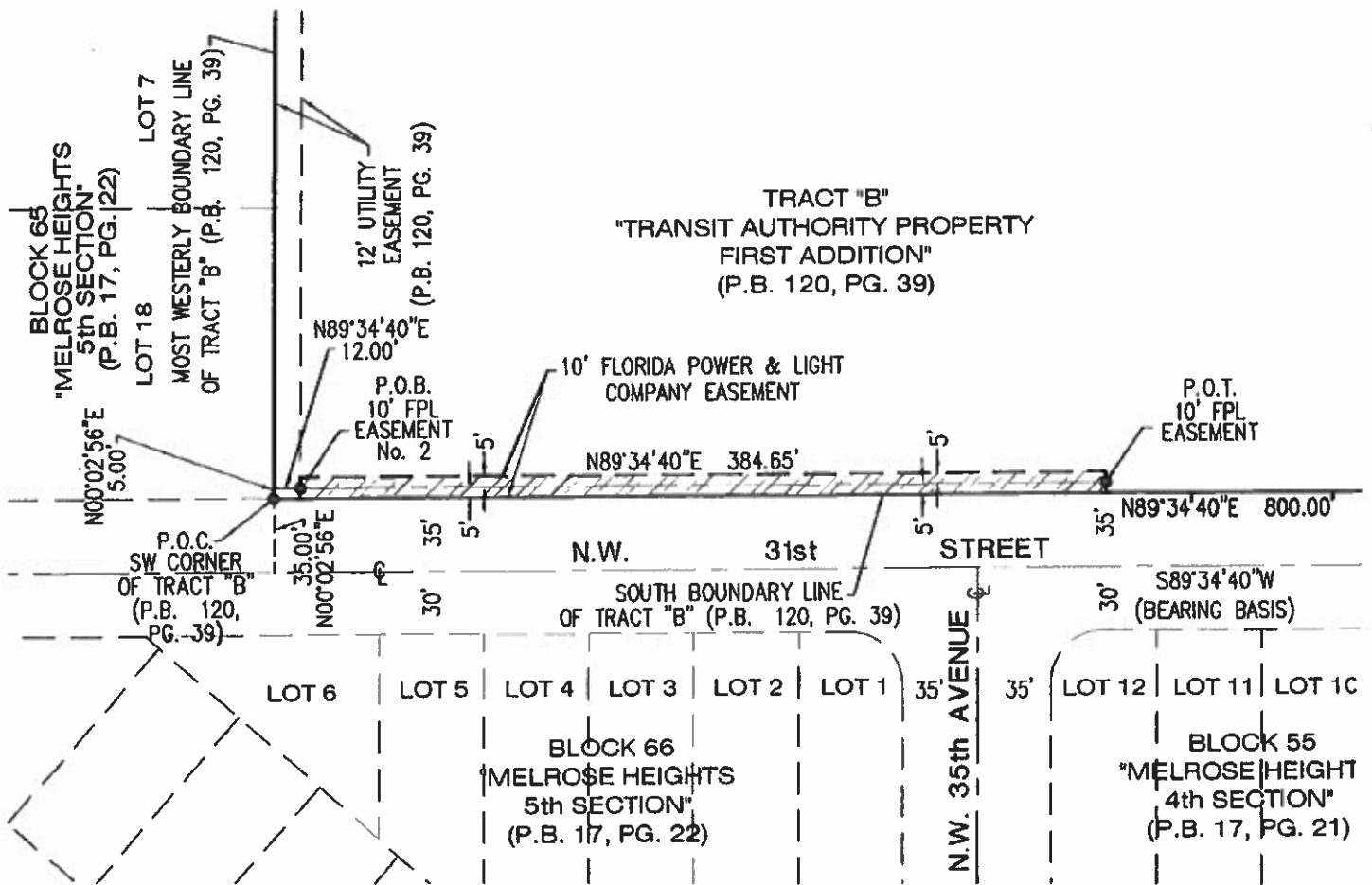
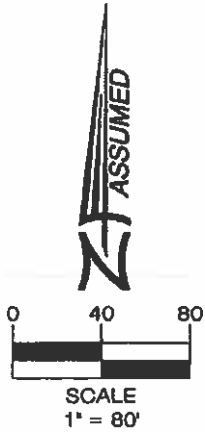


HADONNE

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UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (EASEMENT AREA)

Florida Power & Light Company Easement
Central Site



LEGEND

- | | | | |
|------|-------------|--------|---------------------------------|
| P.B. | = PLAT BOOK | FPL | = FLORIDA POWER & LIGHT COMPANY |
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| SEC. | = SECTION | P.O.C. | = POINT OF COMMENCEMENT |
| | | P.O.T. | = POINT OF TERMINATION |

THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
Miami Dade County Transit Authority
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (EASEMENT AREA)
Florida Power & Light Company Easement
Central Site

SOURCES OF DATA:

The Legal Description was generated from the following record Plats:

1. Plat of "TRANSIT AUTHORITY PROPERTY FIRST ADDITION" as recorded in Plat Book 120, at Page 39, of the Public Records of Miami-Dade County, Florida.
2. Plat of "MELROSE HEIGHTS 4TH ADDITION" as recorded in Plat Book 17, at Page 21, of the Public Records of Miami-Dade County, Florida.
3. Plat of "MELROSE HEIGHTS 5TH ADDITION" as recorded in Plat Book 17, at Page 22, of the Public Records of Miami-Dade County, Florida.

Bearings as shown hercon are based upon the centerline of NW 33rd Street, with an assumed bearing of S89°30'29"W.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than that appears on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

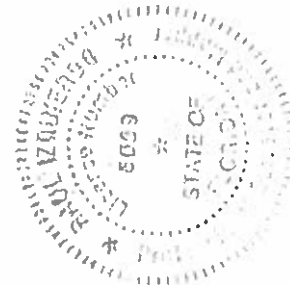
LIMITATIONS:

Since no other information other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear. This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify to that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By: RIJ Date: 9/17/2021
Raul Izquierdo, P.S.M.
For the Firm
Professional Surveyor and Mapper LS6099
HADONNE CORP., a Florida corporation
Land Surveyors and Mappers
Certificate of Authorization LB7097
1985 NW 88 Court, Suite 101
Doral, Florida 33172
305.266.1188 phone
305.207.6845 fax
Date: September 15, 2021



NOTICE: Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper. Each Sheet, as incorporated therein, shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17.051 of the Florida Administrative Code.

THIS IS NOT A SURVEY

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JOB: 20056